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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,843	09/14/2005	Fabio Perini	71933	7081
23872	7590	04/03/2008	EXAMINER	
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				LEE, LAURA MICHELLE
3724		ART UNIT		PAPER NUMBER
04/03/2008		MAIL DATE		DELIVERY MODE
				PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/549,843	PERINI, FABIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	LAURA M. LEE	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 January 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 2 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 April 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/14/2005</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This office action is in response to the amendment filed 1/28/2008.

### ***Election/Restrictions***

2. Applicant's election with traverse of the apparatus claims 1-3, species A, in the reply filed on 1/28/2008 is acknowledged. The traversal is on the ground(s) that the restriction was presented against a previous group method/apparatus claims that have since been amended. The examiner agrees that there is an amended group of claims in the file wrapper that supersedes the original claims filed that the restriction requirement should have been directed and agrees with the applicants election of this amended group of claims. However, as, the restriction requirement between the method and apparatus claims of claims 1-5 is the same as the restriction between the method and apparatus claims of claims 1-8, as the method and apparatus do not require the same technical features as identified in the restriction requirement mailed on 12/28/2007.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 4 and 5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/28/2008.

4. However, it is also noted that claim 3, does not read on the elected species A, Figure 3, as claim 3, recites that the nozzles are positioned externally to the web feeding roller, see line 20. Claim 3 is also withdrawn from further consideration.

***Specification***

5. The disclosure is objected to because of the following informalities:

On page 1, line 31, "Such devices, however, result unsuited for" is not proper English and should be modified as necessary.

Appropriate correction is required.

6. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

7. Claim 2 is objected to because of the following informalities: There is a lack of antecedent basis for "the driving shaft" and should be changed to -- a driving shaft--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Passafiume et al. (U.S. Patent 4,216,687), herein referred to as Passafiume, in view of Roesen (U.S. Patent 1,878,184). Passafiume discloses an apparatus for causing paper

webs to tear off within rewinding machines (see col. 4, lines 31-34), the said web being provided, at regular intervals, with transverse perforation lines which subdivide the web into sheets joined to each other but able to be separated in correspondence of said perforation lines, the apparatus comprising means (nozzles) to cause the tearing of the web upon the passage of a perforation line which separates the last sheet of a log in the course of formation from the first sheet of the next log to be formed, wherein said tearing means are of said pneumatic type (col. 3, lines 20-27) able to direct a jet of compressed air toward the said line, wherein said pneumatic means comprises a set of nozzles (24/17; col. 3, lines 20-27) associated, with a reservoir of compressed air (20; Figure 3), the said nozzles (24/17) and the reservoir (inner shell, 20) being positioned internally to a web feeding roller (11/outer shell, 21) whose outer surface is delimited by a tubular jacket (21) provided with a plurality of openings (17) through which the nozzles (24/17) are allowed to act, characterized in that said tubular jacket (21) rotates about its longitudinal axis while said reservoir (20) is stationary. Passafiume however, does not disclose a set of corresponding solenoid valves being positioned internally of a web feeding roller and in association with the nozzles and reservoir. However, attention is direction to the Roesen device that discloses another web severing device that employs several nozzles to direct pressurized air to sever a web. Roesen discloses that the nozzles utilize a solenoid valve in order to control when the air is dispersed, see col. 2, lines 65-93. It similarly would have been obvious to one having ordinary skill in the art to have modified the Passafiume device to have incorporated a solenoid valve to control

the air dispersal as taught by Roesen to provide a controlled blast of air from the nozzles to sever the web.

In regards to claim 2, the modified device of Passafiume discloses wherein said tubular jacket (21) is fixed to the driving shaft (23) of the roller (11) by means of a flange (not numbered to the right of Figure 3, near reference 23) and is supported, on the other side of the driving shaft by a stationary part (22) with the interposition of a bearing (not numbered) the said flange exhibiting a seat for a conical casing (20) inside which an axial extension of the reservoir is located, the said reservoir being solid, on the opposite side, to a stationary part (22, left) and having a sleeve (left flange) positioned thereon which the jacket (21) is mounted with the interposition of a corresponding bearing.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Publication 2007/0181734 to Corrado et al., U.S. Patent 6,058,817 to Kobayashi et al., U.S. Patent 4,923,567 to Liedes et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura M Lee/  
Examiner, Art Unit 3724  
2/25/2008

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724